

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 3, 5 - 47 are pending in the application. Currently, claims 1 - 3, 5 - 12, 46 and 47 stand rejected; and claims 13 - 45 stand withdrawn from consideration as being directed to a non-elected invention.

By the present amendment, claims 13 - 45 have been cancelled without prejudice. Applicant reserves the right to file a divisional application to their subject matter.

In the office action mailed November 24, 2008, claims 1 - 3, 5 - 12, 46 and 47 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,990,432 to McCarthy IV, et al. This is the sole rejection in the application.

The foregoing rejection is traversed by the instant response.

To constitute an anticipation, all material elements received in a claim must be found in one unit of prior art. See *In re Marshall*, 578 F.2d 301, 304 (CCPA 1978). When the USPTO asserts that there is an explicit teaching in the prior art, it must indicate where such a teaching appears in the prior art. See *In re Rijckaert*, 9 F.3d 1531, 1533 (Fed. Cir. 1993). Still further, the USPTO must consider all claim limitations when determining patentability of an invention over the prior art. See *In re Gulack*, 703 F.2d 1381, 1385 (Fed. Cir. 1983).

Claim 1 is directed to a gas turbine engine comprising: a compressor section; a combustion section downstream of the compressor section; a turbine section

downstream of the combustion section; a casing surrounding the compressor section, combustion section and turbine section; and an electronic controller mounted to the casing, the electronic controller controlling and monitoring operation of the engine and having a microserver, wherein the microserver generates a wireless system surrounding the engine and adapted to connect to the Internet.

The anticipation rejection based on McCarthy IV fails for two reasons. First, while there may be a disclosure of a computer in McCarthy IV, there is no disclosure in the reference that the computer is mounted to the casing surrounding the compressor section, combustion section and turbine section. Clearly, the Examiner has not indicated where such a disclosure occurs in McCarthy IV. A review of column 2, line 52 to column 3, line 3 does not show any disclosure of a computer mounted to a casing. Certainly the Examiner has not explained where this limitation can be found in the cited section. While McCarthy IV may say in column 1, lines 55 -58 that the computer/server is coupled to a gas turbine engine control system, this is not a disclosure of an electronic controller mounted to the casing. On this point, if the Examiner wishes Applicant to add the word "directly" before "mounted" so the Examiner can allow the case, he should contact Applicant's attorney. Second, there is no disclosure in McCarthy IV of a microserver which generates a wireless system surrounding the engine and adapted to connect to the Internet being part of the electronic controller mounted to the casing. The computer 34 may include a network connecting device such as an Ethernet device for reading data from other

digital devices such as the Internet; however, it does not follow that such a network connecting device generates a wireless system which surrounds the engine. As noted above, all claim limitations must be considered. Apparently, that has not incurred in connection with the Examiner's anticipation rejection of claim 1.

For these reasons, claim 1 is not anticipated by McCarthy IV et al.

Claims 2, 3, and 5 - 12 are allowable for the same reasons as claim 1 as well as on their own accord. For example, there is no disclosure of: (1) a microserver which generates a wireless system surrounding the engine residing on a card (claim 2); (2) a microserver card which hosts a web page having an IP address available for a plurality of Internet protocols (claim 3); (3) a microserver card communicably coupled to other cards within an electronic control box (claim 5); and/or (4) a microserver which communicates by way of radio frequency identification tags (claim 9).

Claim 46 is directed to an electronic controller for an engine, comprising: means for controlling the engine; and a microserver for generating a wireless system adapted to connect to the Internet. There is no disclosure in McCarthy IV of any microserver for generating a wireless system. Since there is no disclosure of the claimed element, McCarthy can not anticipate the subject matter of claim 46.

Claim 47 is allowable for the same reasons as claim 46.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

The instant amendment should be entered since the only amendments are the cancellation of the non-elected claims as per the Examiner's request.

A request for a one month extension of time is enclosed herewith. The Director is hereby authorized to charge the one month extension of time fee in the amount of \$130.00 to Deposit Account No. 02-0184.

A notice of appeal is appended hereto in the event that the Examiner maintains the rejections of record. The Director is hereby authorized to charge the notice of appeal fee in the amount of \$540.00 to Deposit Account No. 21-0279.

If the Director determines that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account No. 21-0279.

Respectfully submitted,

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